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How do I achieve Compliance ?

There is no formal certification process to become compliant with Export Control regulations. However, there are standards that exporters are expected to implement and comply with.

In a first step, a company should see if its products or services are on an export control list. For European companies, the EU Common Military List, the EU dual-use list (Annex I and IV of Regulation 428/2009), the EU torture goods list (Regulation 125/2019) as well as possible national lists (those of the country of establishment) are relevant. Many mistakenly assume that these regulations only apply to missiles and weapons, but in fact, there are a lot more. Dual-use items (goods and technology that may be used for civil and military purposes) are often the most difficult to handle. Chlorine, for example, a cheap, commercial solvent with a wide variety of industrial applications, becomes a devastating chemical weapon when used for military purposes.

A best practice in this first step is to follow a complete product classification process. This may consist in asking your supplier to provide the classification number of the products he is supplying to you, and doing checks on the number as provided. In case your company is a manufacturer or integrator, you should operate a self-classification from scratch.

In a second step, your company should adopt and duly implement an Export Control Internal Compliance Program. Initiated by a formal management commitment to compliance, this ICP will demonstrate that your company has a formal process to ensure compliance with export control regulations. There is no "one fits all" in this field. An ICP is always a customized and sophisticated program built on a prior risk assessment of your business activity, products, clients and destination countries.

Such an ICP may also serve to apply for global licenses, if any such administrative authorisations are required for the exports of your products and services. Many authorities are reviewing your ICP in such a framework, providing valuable feedback or validating your program.